

Message Text

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ORIGIN AF-10

INFO OCT-01 EB-08 SCS-06 CA-01 HA-05 L-03 NSCE-00
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FM SECSTATE WASHDC
TO AMEMBASSY LAGOS IMMEDIATE

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E.O. 11652: N/A

TAGS:EINV, CASC, NI

SUBJECT: ASSISTANT SECRETARY MOOSE'S MEETING WITH
NIGERIAN CHARGE EMENYI, MARCH 29

SUMMARY: NIGERIAN CHARGE EMENYI CALLED ON ASSISTANT
SECRETARY MOOSE AT THE LATTER'S REQUEST. MOOSE EXPRESSED
OUR CONCERN THAT WE CONTINUE TO EXPERIENCE PROBLEMS WITH
THE NIGERIAN GOVERNMENT RESULTING FROM PAST ARBITRARY
ARRESTS OF AMERICAN CITIZENS AND DENIAL OF CONSULAR
ACCESS, SPECIFICALLY WITH REGARD TO THE CASES OF RAYMOND
BAKER AND LOUIS LEFEVRE.

1. MOOSE OPENED BY NOTING THAT HE WOULD BE LEAVING LATER
IN THE DAY TO JOIN THE PRESIDENT FOR HIS TRIP TO AFRICA.
HE WISHED TO INFORM EMENYI OF TWO SPECIFIC PROBLEMS
THAT WE WOULD HAVE TO RAISE WHILE THE PRESIDENT WAS IN
LAGOS. IN OCTOBER, PRESIDENT CARTER TOLD OBASANJO THAT WE
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FIND THE NIGERIAN GOVERNMENT'S FAILURE TO CONFORM TO
INTERNATIONALLY ACCEPTED CONSULAR PRACTICE AS DEFINED
BY THE VIENNA CONVENTION UNACCEPTABLE.

2. MOOSE REVIEWED THE HISTORY OF BAKER'S CASE NOTING
THAT BAKER WAS DENIED CONSULAR ACCESS DURING THE FOUR
DAYS HE WAS HELD IN 1976. BAKER WAS NEVER CHARGED AND IT

IS OUR UNDERSTANDING THAT HE HAS BEEN CLEARED OF ALL WRONG DOING BY THE NATIONAL SECURITY ORGANIZATION (NSO). HOWEVER, DESPITE ALL OUR EFFORTS, HIS RESIDENCE PERMIT HAS NEVER BEEN RESTORED AND HE IS UNABLE TO PURSUE FREELY HIS LEGITIMATE BUSINESS INTERESTS IN NIGERIA.

3. MOOSE STATED THAT THE ARREST OF LOUIS LEFEVRE MUST BE VIEWED AGAINST THE BACKGROUND OF THE FMG'S DISPUTE WITH THE AMERICAN INTERNATIONAL GROUP (AIG). HE REVIEWED THE HISTORY OF LEFEVRE'S TWO DETENTIONS AND THE WITHHOLDING OF HIS PASSPORT FOR SOME 15 WEEKS AND EMPHASIZED THAT WE HAD NOT BEEN PERMITTED CONSULAR ACCESS SINCE LEFEVRE'S ARREST ON MARCH 21. THE ARREST HAD NOW BEEN REPORTED IN THE NEW YORK TIMES AND OTHER JOURNALISTS WERE AWARE OF IT. THIS KIND ATTENTION PRESENTED THE WORST POSSIBLE IMAGE AT THE TIME OF THE PRESIDENT'S VISIT. ONE OF THE THINGS WE WANT MOST FROM THE VISIT IS ENCOURAGEMENT OF THE KIND OF US INVESTMENT IN NIGERIA WHICH THE FMG HAS INDICATED IT DESIRES. THIS ARREST AND THE FMG'S REFUSAL TO GRANT A HEARING TO AIG'S COMPROMISE PROPOSAL IS TO OUR MUTUAL DISADVANTAGE. WE DO NOT DENY THE FMG'S RIGHT TO ARREST AN AMERICAN CITIZEN BUT WE MUST INSIST ON CONSULAR ACCESS.

4. EMENYI RESPONDED THAT THE EMBASSY HAD FORWARDED LIMITED OFFICIAL USE

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CORRESPONDENCE AND DOCUMENTS IT HAD RECEIVED FROM BAKER TO LAGOS AND WAS SEEKING TO USE ITS GOOD OFFICES TO RESOLVE THE CASE. REGARDING AIG, HE NOTED HIS RECENT LETTER TO GREENBERG (STATE 79823) DIRECTING AIG TO PURSUE ITS CASE THROUGH THE CAPITAL ISSUES COMMISSION (CIC). THE FMG COULD NOT MAKE A SPECIAL CASE FOR AIG AND SET ASIDE ITS ESTABLISHED LEGAL CHANNELS, I.E. BY SETTING UP A MEETING WITH PERMANENT SECRETARIES TO CIRCUMVENT THE CIC. HE WAS NOT AWARE OF THE LEFEVRE ARREST OR THE NY TIMES ARTICLE BUT PROMISED TO REPORT OUR VIEWS AND CONCERNS.

5. MOOSE ASSURED EMENYI THAT WE ARE NOT SEEKING ANY SPECIAL TREATMENT FOR AIG BUT WE WANT TO AVOID AN IMPASSE WHERE CERTAIN ELEMENTS OF US LAW WILL REQUIRE US TO TAKE ACTIONS DETRIMENTAL TO OUR RELATIONS WITH NIGERIA. THIS IS NOT A THREAT BECAUSE US LAW LEAVES US WITH NO CHOICE. HE AGAIN URGED EMENYI TO ADVISE LAGOS OF OUR INSISTENCE THAT PROPER CONSULAR PROCEDURES BE FOLLOWED WITH REGARD TO LEFEVRE AND ALL OTHER US CITIZENS. WE WOULD CERTAINLY EXPECT THE FMG TO MAKE SIMILAR DEMANDS IN THE CASE OF ANY NIGERIAN ARRESTED IN THE US. COOPER

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EMENYI CALLED ON ASSISTAN
TAGS: EINV, CASC, NI, US
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